

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HERBERT H. KLIEGERMAN, on behalf of
himself and others similarly situated,

Plaintiff,

-against-

APPLE INC. and AT&T MOBILITY, LLC,

Defendants.

07 Civ. 8404 (PKC)

**NOTICE OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE**

FILED
2007 DEC -7 PM 1:49
S.D. OF N.Y.

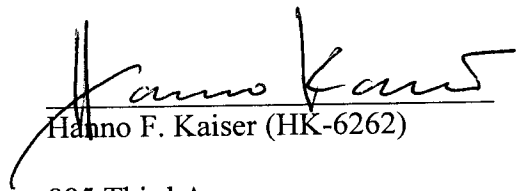
PLEASE TAKE NOTICE that upon the annexed Declaration of Hanno F. Kaiser dated December 6, 2007, the accompanying Declaration of Christopher S. Yates, dated December 6, 2007, and the exhibit annexed thereto, the undersigned moves this Court for an Order, pursuant to Rule 1.3(c) of the Local Rules for the United States District Court for the Southern and Eastern Districts of New York, admitting Christopher S. Yates to the bar of this Court *pro hac vice* in order to argue and try the above-captioned case as counsel for Defendant Apple Inc.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 2.G. of the Individual Practices of Judge P. Kevin Castel, the consent of all parties who have appeared in this action has been sought and obtained with respect to this application.

Dated: New York, New York
December 6, 2007

LATHAM & WATKINS LLP

By:


Hanno F. Kaiser (HK-6262)

885 Third Avenue
New York, New York 10022
(212) 906-1200

*Attorneys for Defendant
Apple Inc.*

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**ORDER GRANTING MOTION TO
ADMIT COUNSEL PRO HAC VICE**

This matter having been brought before the Court by motion to admit Christopher S. Yates *pro hac vice* to appear and participate as counsel for Defendant Apple Inc. in the above-captioned action, and the declaration of such attorney having been submitted in support thereof, and it appearing that such attorney is a member in good standing of the bar of the state in which he is admitted to practice law, and there are no disciplinary proceedings against him as a member of the bar in any jurisdiction; it is

ORDERED that, pursuant to Local Civil Rule 1.3(c) of this Court, Christopher S. Yates of the State of California bar is admitted *pro hac vice* to practice before this Court as counsel for Apple Inc. in these proceedings.

Dated: _____, 2007

Honorable P. Kevin Castel
United States District Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HERBERT H. KLIEGERMAN, on behalf of
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07 Civ. 8404 (PKC)

DECLARATION OF HANNO F. KAISER

HANNO F. KAISER, pursuant to 28 U.S.C. § 1746, hereby declares under the penalty of perjury as follows:

1. I am a member of the law firm of Latham & Watkins LLP, counsel for Defendant Apple Inc. in this action. I submit this Declaration in support of the motion, pursuant to Local Rule 1.3(c) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, for an Order granting Christopher S. Yates admission *pro hac vice* to the bar of the United States District Court for the Southern District of New York in order to argue and try the above-captioned case.

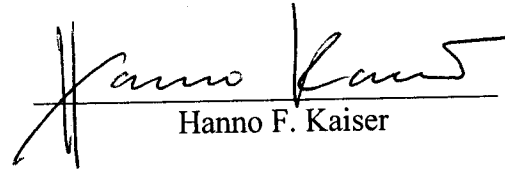
2. I am a member in good standing of the bar of this Court.

3. I have reviewed the Declaration of Christopher S. Yates in support of the motion for admission *pro hac vice* submitted herewith, and I believe that the declaration is true and correct. Christopher S. Yates is fully familiar with the facts of this case.

4. Upon the foregoing facts, I respectfully request that the Court grant the motion for the admission *pro hac vice* of Christopher S. Yates to the bar of the United States District Court for the Southern District of New York.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this

6th day of December, 2007, in New York, New York.


Hanno F. Kaiser

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HERBERT H. KLIEGERMAN, on behalf of
himself and others similarly situated,

Plaintiff,

-against-

APPLE INC. and AT&T MOBILITY, LLC,

Defendants.

07 Civ. 8404 (PKC)

**DECLARATION OF
CHRISTOPHER S. YATES**

CHRISTOPHER S. YATES, pursuant to 28 U.S.C. § 1746, hereby declares under the penalty of perjury as follows:

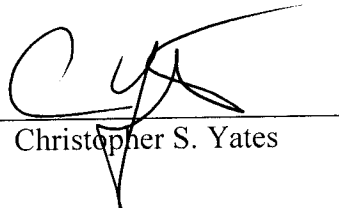
1. I am a member of the law firm of Latham & Watkins, LLP, located at 505 Montgomery Street, Suite 2000, San Francisco, California, 94111.

2. I submit this Declaration in support of the motion to admit counsel *pro hac vice* in the above-captioned matter. As demonstrated by the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of California.

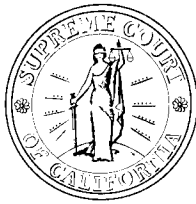
3. There are no pending disciplinary proceedings against me in any State or Federal Court.

4. Wherefore, I respectfully request that I be permitted to appear as counsel and advocate *pro hac vice* in the above-captioned case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 6th day of December, 2007, in San Francisco, California.



Christopher S. Yates



Supreme Court of California

FREDERICK K. OHLRICH

Clerk of the Court

CERTIFICATE OF THE CLERK OF THE SUPREME COURT OF THE STATE OF CALIFORNIA

CHRISTOPHER ST JOHN YATES

I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that CHRISTOPHER ST JOHN YATES was on the 14TH day of DECEMBER, 1992, duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that his name now appears on the Roll of Attorneys as a member of the bar of this state in good standing.

*Witness my hand and the seal of the court
on the 30THth day of NOVEMBER, 2007.*

FREDERICK K. OHLRICH

Clerk of the Supreme Court

By:


Deputy Clerk

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SOUTHERN DISTRICT OF NEW YORK**

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CERTIFICATE OF SERVICE

I, Jessica L. Bengels, hereby certify that on December 7, 2007, true and correct copies of the annexed Notice of Motion to Admit Counsel Pro Hac Vice, Proposed Order, Declaration of Hanno F. Kaiser, and Declaration of Christopher S. Yates, all dated 12/6/07, were caused to be served in accordance with the Federal Rules of Civil Procedure, via First Class United States Mail upon:

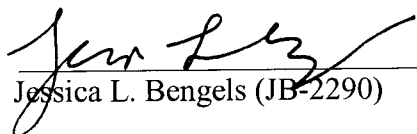
Alexander H. Schmidt, Esq.
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Attorneys for Plaintiff

- and -

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c/o Corporation Service Company
80 State Street
Albany, New York 12207

LATHAM & WATKINS LLP

By: 
Jessica L. Bengels (JB-2290)

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(212) 906-1200

*Attorneys for Defendant
Apple Inc.*